

Center for *Children's* Advocacy

University of Connecticut School of Law
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TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY IN OPPOSITION TO RAISED BILL No. 6386 AN ACT DELAYING RAISE THE AGE IMPLEMENTATION

March 4, 2009

This testimony is being offered in opposition to H.B. 6386, An Act Delaying Raise the Age Implementation. It is submitted on behalf of the Center for Children's Advocacy, a non-profit organization based at the University of Connecticut School of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systematic advocacy. Through our TeamChild Project, the Center collaborates with the Hartford Juvenile Public Defender's Office to represent children in accessing special education and mental health services.

We submit this testimony *in opposition to the delay of Raise the Age* implementation proposed by Raised Bill No. 6386. On January 1, 2010, our sixteen- and seventeen-year-olds must finally have access to a justice system that both addresses their needs from an age-appropriate perspective and provides rehabilitative and preventative services.

A Delay in Raise the Age Implementation *Should Not Occur* for the Following Reasons:

1. Delaying Raise the Age Implementation Impedes Much-Needed Reform

Connecticut is **one of only three states** to treat all sixteen- and seventeen-year-olds, regardless of their offense, as adult offenders.¹ Nationwide, other states recognize that youth should not be treated as adults because they lack sufficient maturity to be held accountable as adults.

- Delaying implementation continues to subject our youth to **an adult system that fails them**, ignoring their developmental needs related to services, education, and healthcare.²
- Emerging scientific research shows that **youth do not have adult capabilities to reason and weigh consequences**.³ This difference between adolescent and adult reasoning is a factor cited in the majority opinion authored by Justice Kennedy in



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¹ Ten states, including Texas and South Carolina, set the minimum age for adult jurisdiction at age 17. Joel Rosch, *How Other States Treat Adolescent Offenders* (2006), available at http://www.familyimpactseminars.org/s_ncfis03c03.pdf

² Id.

³ "While adolescents' judgment is dubious in general, brain development can be further impaired by exposure to trauma, violence, abuse- all too prevalent among youth in the justice system. One of the primary areas of the brain affected by psychological trauma is the very prefrontal cortex that is essential in moderating impulses and behavior... [Furthermore] the impulsive, short-sighted judgment associated with delinquency is influenced by the combination of cognitive and psychosocial factors. When children find themselves in emotionally-charged situations, the parts of the brain that regulate emotion, rather than reasoning, are more likely to be engaged."

Physicians for Human Rights, *Youth in the Adult Criminal Justice System: Health and Human Rights Risks* (2007), available at <http://physiciansforhumanrights.org/juvenile-justice/factsheets/youthasadults.pdf>

Roper v. Simmons, the 2005 U.S. Supreme Court case that abolished the juvenile death penalty.⁴

2. Delaying Raise the Age Implementation is Fiscally Irresponsible

Delaying implementation of Raise the Age wastes significant state dollars

- **Youth who serve time in adult prisons are more likely to offend in the future and to increase involvement in violent activities.**⁵ Since children in the adult system are “more likely to be re-arrested, commit more serious new offenses, re-offend more quickly,”⁶ delaying implementation will cost more money and require more policing services in the long-term.

3. Delaying Raise the Age Implementation Denies Youth Access to Preventative Services

Unduly harsh penalties for minor offenses place juvenile offenders at a serious disadvantage. Through the juvenile justice system’s provision of therapeutic services, educational advocacy, crisis intervention, and mental health services, the state will be better equipped to target youth in need of help.

- Delaying Raise the Age Implementation also prevents Youth in Crisis from accessing services provided to children involved in the Family with Service Needs system. Both of these groups of children engage in similar behaviors—truancy, running away, and ungovernability.
- For Youth in Crisis, **Family Support Centers** would provide significant services, such as screening and assessment at the initial stage of the process, immediate crisis intervention, mediation, pro-social activities, short-term respite beds, and case coordination to provide appropriate treatment of young people. These proven-successful services should be expanded so that youth statewide can access them.

For the foregoing reasons, we urge you to deny H.B. 6386 delaying Raise the Age implementation. Thank you for your time and consideration.

Respectfully Submitted,



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⁴ Physicians for Human Rights, *Youth in the Adult Criminal Justice System: Health and Human Rights Risks* (2007), available at <http://physiciansforhumanrights.org/juvenile-justice/factsheets/youthasadults.pdf>

⁵ Coalition for Juvenile Justice, *Childhood on Trial: The Failure of Trying and Sentencing Youth in Adult Criminal Court*, available at http://juvjustice.org/media/resources/resource_115.pdf

⁶ Physicians for Human Rights, *Youth in the Adult Criminal Justice System: Health and Human Rights Risks* (2007), available at <http://physiciansforhumanrights.org/juvenile-justice/factsheets/youthasadults.pdf>